



Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CITY OF CORVALLIS PLANNING COMMISSION MINUTES

April 3, 2002

Present

Bill York, Chair
Kirk Bailey
Mary Buckman
Jane Fleischbein
James Hackett
Gary Pond
Bruce Osen
Clay Higgins
Denis White
Rob Gandara, Council Liaison

Staff

Kelly Schlesener, Planning Division Manager
Jim Brewer, Deputy City Attorney
Kevin Young, Associate Planner
Steve Lindsey, Associate Planner
Keith Turner, Dev Review Engineering
DeAnne Eilers, Recording Secretary

Committee for Citizens Involvement
No Representative Present

SUMMARY OF DISCUSSION

Agenda Item	Held for Further Review	Recommendations
Minutes: February 20, 2002 March 6, 2002		Approved as revised Approved as revised
Public Hearing: Citizens Bank - University Branch PLD02-00002	Written record Deliberations	Received to 5:00 pm, 4/10/02 April 17, 2002
Public Hearing: Heresco Chiropractic CDP02-00001, LDO-02-00003		
New Business: A. Initiate Land Development Code Text Amendment: Chapter 3.16 Central Business Dist B. Committee for Citizens Involvement: Discussion of Unresolved Planning Issues C. Planning Division Manager's Report	LDT02-00001	Public Hearing: May 1, 2002 Visitor's Propositions removed as agenda item Meeting Schedule reviewed, no June 5 meeting
Old Business		Natural Features Inventory notification beginning May
Next Meeting:		April 17, 2002

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by the Chair at 7 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITOR'S PROPOSITIONS:

Patricia Benner, 2030 SE deBord, distributed some suggested language revisions to the Land Development Code that would be consistent with the language recently adopted in the Stormwater Master Plan pertaining to the definition of a base flood event, commonly referred to as the 100-year flood. **(Attachment A)**

- II. **MINUTES:** (Continued following the public hearing and other business)
February 20, 2002 (Congregational Church)
March 6, 2002 (Verizon Wireless, Research Way)

- III. **PUBLIC HEARING: Citizens Bank - University Branch PLD02-00002**
Location: 1195 NW Kings Boulevard Assessor's Map: 11-5-34-AA Tax Lot 5300

The Chair welcomed citizens and reviewed the public hearing procedures as follows:

A. Order: The order of the proceedings will be as follows: (1) the staff overview; (2) the applicant's presentation; (3) the staff report; (4) public testimony; (5) rebuttal by the applicant, limited in scope to issues raised in opposition; (6) sur-rebuttal by opponents, limited in scope to issues raised on rebuttal; and, (7) questions of staff, deliberations and a final decision by the Planning Commission. Any person that is interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by an earlier speaker. It is sufficient to say you concur with an earlier speaker without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair pointed out the information and meeting critique sheets from the Committee for Citizens Involvement on the back table. There was no representative available at the meeting.

The Chair opened the public hearing.

B. Site visits, conflicts of interest or ex parte contacts

1. Site visits were made by all Commissioners except Hackett
2. There were no conflicts of interest or ex parte contacts declared.

C. Jurisdictional Objections: None were received at this time.

E. Staff Overview:

Associate Planner Kevin Young distributed a packet of six letters that were received after the staff report was prepared. **(Attachment B)**

Planner Young also read a letter into the record that was delivered to him just before the meeting from Brad Teel, President, Teel's Travel Planners, 728 NW Kings Boulevard stating: "Please be advised that Teel's Travel Planners, Inc., owned by Brad and Alicia Teel, are in support of the new site proposal for Citizens Bank /University. An important service would be retained for our area. Traffic would have a minimal impact since their clients are currently being served from their Kings Boulevard location. Site improvement would be advantageous to the neighborhood. Carol Lee Woodstock has developed facilities that have attracted quality businesses to this area. This change is in keeping with that standard." s/Brad Teel, President.

Planner Young also distributed Attachment E-20 replacing Attachment E-19 that should have shown a summary of traffic impacts from the proposed development, rather than the pre-development impacts. Copies are also available on the table at the back of the room. **(Attachment C)**

Associate Planner Kevin Young displayed maps from the staff report of the property and surrounding site. The site is located at 1195 NW Kings Boulevard, on the southeast corner of the intersection of Kings Boulevard and Beca Avenue. The development site is currently occupied by the Blue Sky Restaurant. Woodstock 's Restaurant is adjacent and the National Guard Armory is across the street. There are several residences in the vicinity.

The District Designation is SA (PD) (Shopping Area with a Planned Development Overlay) and the Comprehensive Plan Map is MUC (Mixed Use Commercial) within a proposed Major Neighborhood Center Area. A Comprehensive Plan Map designation was also displayed of the general area showing that the site is within a proposed major Neighborhood Center.

F. Legal Declaration:

Attorney Brewer said the Commission will consider the applicable criteria as outlined in the staff report. Please direct testimony to the criteria in the staff report or other criteria that you feel are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

G. Applicant's Presentation:

Gary Day, Benchmark Architectural Services, 6242 SW Trellis Drive represents the applicant, Carol Woodstock. The request is for approval of a Conceptual and Detailed Planned Development to demolish the existing restaurant building and construct a new 2,575 square foot branch banking facility. The proposed development would include two drive-through teller lanes, as well as banking services for customers inside the building. He noted the site is being developed by Carol Lee Woodstock and leased to Citizens Bank directly north of Ms. Woodstock's adjacent property occupied by several businesses including Woodstock's Pizza. The teller lanes will be configured for a left turn only exit onto Beca.

Mr. Day described the corporate site design, parking, structural materials, roof pitch and parking lot design. It relocates banking services currently located on the southeast corner of Buchanan and Kings Boulevard. It will be a single-story building designed to maximize pedestrian convenience. The parking lot will have seven stalls with handicap accessible parking for one vehicle, four covered bicycle spaces, and a two-way access lane extending from the Woodstock's Pizza Parlor site on the south to Beca Avenue on the north. The parking that exists at the Woodstock's Pizza site will be shared by bank customers as well as tents of the mini-mall. Existing cross-lot access requirements mandate a two-lane driveway extending from the mini-mall lot to Beca Avenue.

Mr. Day also described the variances they are requesting. One is a reduced setback from the adjacent residential use along the east side from from 25' to 14' with a 6' masonry wall and screening along the property line to compensate for the reduction. They are also requesting reduced setbacks along Kings Boulevard from 20' to 9' and along Beca Avenue from 20' to 1.5 feet. They are also requesting a reduction in the building line offsets, and a minor reduction of the impervious lot coverage from 66% to 65%. Mr. Day said the cedar trees will be removed, but will be replaced with larger trees than required by Code and also a specimen canopy tree as a central visual feature on the site. They are asking for the modification based on Section 2.5.20 of the Code to promote flexibility of design and permit a diversification of the location of structures.

A traffic impact analysis of the project was based on trip generation and a parking analysis that was done by Fred Wright, a traffic engineer. The study concluded that the estimated increased traffic generated by the banking facility can be easily assimilated within the existing traffic infrastructure, and an additional

investigation of mitigation measures is not warranted. Mr. Day asked to have the full traffic analysis entered into the record. (Filed the Case File; Corvallis Planning Office.)

Mr. Day said the application is consistent with the Planned Development requirements and intent of Comprehensive Plan Policies, 8.10.2, 8.2.3, 11.6.4 and 11.6.12. In summary, he said the project has exceeded the point system by over 20%, and demonstrated a high level of design features. The application will provide improved services, better accessibility, a more pedestrian friendly street front, and a landscaped area that is visually and functionally compatible with adjacent neighbors. The proposal will provide safer vehicle access to Beca, minimize evening activity next to residential properties, and eliminate odors associated with the restaurant. The project will contribute to the overall livability and vitality of Corvallis and financial services to the university community with a high quality structure that is consistent with Corvallis policies.

H. Questions from the Commission:

Mr. Day was asked to display the access route through the site and he said the primary site access is expected to be from Kings Boulevard with an outlet onto Beca Avenue.

Mr. Day also responded to a question from Commissioner White about testimony received that alleges the employees of the mini-mall were told to park off-site and reserve the parking lot spaces for customers. Mr. Day said the application is a separate review by the Commission and said he is not aware of such a requirement by Woodstock's or other businesses. Mr. Day said the driveway width was determined by Planning staff.

Mr. Day responded to questions from Commissioner Fleischbein and said the metal siding material is being used on the sides of the building as part of the bank's corporate image and similar to their Albany branch building. He also said the access lanes through the site are required by the property owner. This route is used by pizza delivery cars returning to the pizza parlor by driving around the block, turning into the driveway from Beca, and avoiding the Kings Boulevard accessway. Commissioner Fleischbein asking why there was no picture of all the parking that is being shared, and Mr. Day said the parking shown is for the bank's site only.

Commissioner Buckman asked how the cars are going to get into the teller lanes as it looks like a tight "u" turn. Mr. Day said the access to the teller lanes is going to be encouraged by signage from Kings Boulevard, and not Beca. It is based on a reciprocal access agreement with the adjacent properties to the south. Commissioner Buckman also said a map of both the site and the shared parking in the mall would be helpful. Mr. Day said a map was not enclosed as the mall site is not going to be changed, but vehicles will drive through that parking lot to the bank building.

Mr. Day responded to a question from Commissioner Bailey about the number of employees, and said the bank will employ 5.1 employees at startup and up to seven employees in the future. Mr. Day said they have no concerns with the Conditions of Approval except the condition referring to R-25 insulation and asked that it be changed to R-21 insulation so the insulation will fit into a 6" wall stud. The window tinting does provide solar benefits in the summer.

Commissioner Bailey asked for information about the shared parking arrangement and access from Kings Boulevard. Carol Lee Woodstock, 1047 NW Kings Boulevard, the owner of the site as well as the property to the south, responded to the question. She said the parking is shared, but they do not plan on installing signage in the mall parking lot, but would like to leave the parking open to all customers. Commissioner White asked for more details of the agreement and how the driveway width are determined. Ms. Woodstock has not reviewed the reciprocal parking agreement for some time and is not sure of the specific terms, but said the access width was determined in conversations with City staff. She said because the Kings Boulevard access exists at the present time, it made sense to her to leave it and not add another driveway on Kings Boulevard less than a block's length away. She said the delivery referred to is by private vehicles and not large delivery trucks that access via Kings Boulevard

Chair York asked about the size of trees, and Mr. Day said the new trees will be compliant with the Code language and will be "larger" than those required. The size is not known at this time, but he said it will be based on the location and type of trees that are selected.

H. Staff Report:

Planner Young said proposed development is classified as a type of financial, insurance, and real estate use, which is permitted outright in the SA District. However, due to the Planned Development Overlay Zoning of the site, Planned Development approval is required.

The applicant has requested flexibility in a number of Code requirements that are outlined in detail in the staff report and by the applicant. These include the following:

1. Reduction of setback on the east side from 25' to 14'. Mitigation is proposed by constructing a masonry wall and landscape screening, which is more stringent than the buffering that is required by Code.
2. Reduction of setback from abutting streets from 20' to 9' on Kings and 1.5' on Beca. This is consistent with Comprehensive Plan Policies that encourage pushing buildings close to the street. The vision clearance is also met and there is no traffic hazard from the building placement.
3. Building offsets: These are typically 8', and given the small 13,000 square foot site, those offsets would be difficult to implement. The architect

has scaled these back to 2' in some cases, but with a good deal of building articulation that staff believes provides enough architectural interest without the 8' offsets.

4. Site coverage: This is a minor reduction requested from 66% to 65%. The applicant is providing landscaping in excess of Code requirements that mitigates the reduction including a large canopy tree as a focal point.

Staff found that the application, as conditioned, complies with all the SA District development criteria and requirements or meets the Planned Development compatibility criteria.

Conditional Development criteria are also met with the basic site design on the small site that encourages pedestrian use and routes traffic through the site to the parking lot to the south. The site also incorporates a number of visual elements that will enhance compatibility with the surrounding residential development such as building's scale, pitched roof, and landscaping screen. There were numerous designs proposed to try to save the cedar trees, but Planner Young said none of them met the needs of the client.

The traffic pattern is designed to reduce conflicts on Beca and funnel traffic from the teller lanes left onto Beca and the intersection with Kings Boulevard. The minimum number of parking spaces required for this site is 6.4, and the maximum is 8.4. The applicant has proposed seven spaces on-site, which is in the acceptable range. Additionally, the applicant will maintain a shared parking arrangement with the property to the south.

In summary, staff finds that the proposed development, as conditioned, complies with all applicable decision criteria.

I. Questions from Commission:

Staff responded to several questions from the Commission.

1. Planner Young said the point totals in the insulation category are high enough that a change from R-25 to R-21 insulation does not cause a problem.

2. Planner Young said the left turn lane was suggested by staff as a Condition of Approval and the lane improvements would be constructed to help force that turn. Engineer Turner said one point to keep in mind was that the project is not significant enough to change the existing traffic patterns in the area. Kings Boulevard is carrying about 19,000 vehicles per day and Beca is carrying about 859 vehicles per day. Turner said the Engineering Division feels about 96% of the vehicles will want to turn left from Beca onto Kings Boulevard. Commissioner White said testimony indicated it was difficult to access Kings Boulevard during peak traffic times. Turner said the Traffic Study indicated that the intersection of Kings and Beca would have the same level of service C both before and after the development. An intersection operating at a LOS

"D" or better is acceptable as part of the Corvallis Transportation Plan. Further, Mr. Turner said he observed the intersection during rush hour and found it performed adequately with a minimal waiting time for left-hand turn operations.

3. Planner Young confirmed that the request for a setback variance to 1.5 feet along Beca for the building is from the right-of-way and 1.5 feet from the sidewalk. The windows are set back from the exterior wall.

Engineer Turner responded to a question about the need for a two way drive from Beca as opposed to a one way, narrower drive and said this parcel is a separate, legal parcel that needs to provide adequate site access. That access is the two-way street from Beca Avenue, and there is no direct access from Kings Boulevard.

4. For the record, Fred Wright, Design Engineering, Inc. 101 SW Western Boulevard, has asked to be identified as part of the applicant's team as their traffic engineer.

J. Public Testimony in favor of applicant:

1. Dale Zcrull, 934 NW Kings Boulevard, manages the Creative Crafts and Frame Shop and feels the proposal will enhance the existing small commercial area.

2. Walt Schmidt. 1626 NW 29th Street, feels the new location of the bank with better parking facilities will encourage more use of the banking services. Mr. Schmidt also said the new location will be much safer to access for both vehicles and pedestrians.

K. Testimony in opposition to applicant's request:

1 Sandy Fitchner, 1721 NW Beca Avenue and Jan Harmon, 1865 NW Beca Avenue, addressed written testimony they submitted as part of the staff report. Ms. Fitchner also addressed additional written testimony and a petition in opposition to the development signed by 54 neighbors. **(Attachment D)** They want the access to the site from Kings Boulevard and not Beca to reduce conflicts with the neighboring streets and cut-across traffic. They also requested that the applicant be required to implement traffic calming measures if the access on Beca remains. They also feel use of the 24-hour ATM machine near the university will impact the entire area night and day. She does not agree that the traffic impact will be minimal and feels it will pose a safety hazard. The two-story appearance of the building is not compatible with the single-story homes, and removing the existing cedar trees adversely affects the compatibility of the neighborhood by removing a valuable screen between the site and the neighbors.

Ms. Fitchner responded to a comment from Commissioner Bailey that most neighbors seem to feel there is less impact on an area from a bank than

a restaurant, and said that is not true in this instance because of the 24-hour ATM machine and forcing drivers to use Beca to exit the site.

Commissioner Higgins asked about the left turn from Beca to encourage a return to Kings Boulevard, and Ms. Harmon feels initially people might try it. However, Mr. Harmon said when drivers find how hard it is to turn left onto Kings during heavy traffic times, they soon learn to use cross streets to get to the arterial streets at other access points.

3. Kerry McCall, 1219 NW 19th Street said the neighborhood streets are becoming great shortcuts to arterial streets and concurred with the previous testimony. She noted the increased delivery traffic on the two-lane drive and said the number of variances requested indicate the design is too big for the site. She responded to a question from the commission and said cross-through traffic is her biggest concern.

4. Jan Connell, 1919 NW Beca, said her concerns revolve around traffic increases on Beca and the lack of compatibility of the design with the neighborhood. It is evident there are existing traffic concerns on Beca as the City has installed traffic signs to prohibit turning left onto Beca from Kings Boulevard for south bound traffic. She was concerned that there might not be enough room for emergency and service trucks to access the site from Beca as it looks too tight.

5. Griff Jay, 1219 NW 19th Street, feels the proposal is a serious step toward wrecking this unique, pedestrian friendly neighborhood village. Based on his credentials with a Master's Degree in Planning, he said the design is not pedestrian oriented and suggested a better location for the banking services could be found in the vicinity with less impact to the neighborhood. He said the bank will have continuous traffic using the 24-hour ATM machine and will be quite different than the restaurant traffic that occurred during specific time periods.

Mr. Jay said he is astonished that the current owner wants a traffic route through the entire commercial area, and said this traffic pattern will be a significant change and increase traffic in the neighborhood. He further objected to the site plan and the number of variances permitted for the site and said the building is too big for the parcel. Mr. Jay said he feels the neighbors have been too polite in voicing their objections, and said if Corvallis wants to be a city of trees and support good planning, it is contradictory to cut down existing large trees.

6. David Connell, 1919 NW Beca, requested that the written record remain open seven days to submit additional written testimony. He also questioned the legality of trying to enforce a left turn lane from private property onto a public street. He is concerned that people will have difficulty accessing Kings Boulevard and use the neighborhood streets to cut through to other

access points. He supports the maintenance of the cedar trees and said he feels the development needs to work around the existing trees.

- L. Neutral testimony: The Chair reminded people that speaking neutrally removed rebuttal rights.

Ed Epley, 3053 NW Harrison Boulevard, said it appears that a fourth car trying to access the teller lanes would block the two-way street through the site. He said there is no way in or out at that point unless a vehicle backs out.

Brief recess. The Chair announced that applications are currently being solicited for vacancies on the Planning Commission. The completed applications can be picked up at the Planning Office or accessed on the City's web page. The deadline for submittal is April 22, 2002.

- M. Rebuttal by Applicant:

The Chair reminded the audience that new information in favor of the application may not be introduced.

1. Gary Day responded to the testimony about the design of the building and said their intent with the design and placement of the building was to comply with new Comprehensive Plan Policies to promote a pedestrian friendly environment by moving buildings to the front of a building site next to the street. The access from Beca to the pizza parlor has been reconfigured to include two, 90° turns to discourage through traffic.

2. Carol Woodstock addressed the concern about employee parking, and said the reciprocal parking agreement allows overflow parking in the shared lot that has always had spaces during the day. Commissioner Higgins asked about the neighbors' concern about current pizza parlor employees being encouraged to park off the lot to make room for customers and asked for her comments. Ms. Woodstock said she is not sure how that relates to the proposed project. Higgins said he feels if the pizza employees are being encouraged to park off the lot, wouldn't the bank employees also be encouraged to do the same. Ms. Woodstock said this is not being done during the daytime.

- O. Sur-rebuttal from opposition speakers:

1. Dave Connell said because private business policies can change at any time, he does not believe off-site parking is an issue he feels is relevant. He noted that the banking business has changed to encompass more services and is no longer open only from 9:00 a.m. to 5:00 p.m. Specific hours of operation can change at any time as business demands change. He said if there is no requirement in place to require employees to park on-site, there is also no reason why employees cannot park off-site in the neighboring area.

2. Griff Jay does not agree with the applicant's statement that this is a pedestrian friendly design, and said he would be ready to debate this point-by-point with the other planning professionals in the room. For anyone to imply there will be no additional traffic on Beca with easy left turns encouraged, reminds him of a favorite folk song called "My, But Doesn't He Live in a Happy Little World." Mr. Jay assured the Commission he will be submitting written comments.

P. Close the public hearing:

Commissioner Buckman moved to close the public hearing. The motion was seconded by Commissioner Higgins and passed unanimously.

Q. Request to hold record open:

Commissioner York noted the written record will remain open for people to submit comments to the Planning Office by 5:00 p.m. on April 10. The applicant will have an additional seven days to respond to those comments, and the Commission will review the material and deliberate on the application at their meeting on April 17, 2002.

R. Questions from the Commission to Planning Staff:

1. Commissioner Fleischbein:

Pavement over planting strip: Is the pavement over the planting strip between the sidewalk and curb (that was done in error) going to be removed with this project? Engineer Turner said there are no plans underway to address this issue.

Siding Points: Is there a percentage of siding that needs to be wood or brick to get the maximum points? Young said there is no siding percentage implemented at this time and it is a subjective staff decision. Commissioner Fleischbein suggested this be reviewed when the Code is updated.

Trash pickup: How are the garbage trucks going to access the trash enclosure as presently located in the corner of the two-lane drive? Planning Manager Schlesener said the driveway is not a public street and usually the trash receptacles are in a parking stall or planting strip next to parking lot aisles.

Masonry Walls: Commissioner Fleischbein said she is aware of new information about masonry walls along the freeways that effectively block noise for the adjacent properties, but skip the noise to the next property. Schlesener said the City has not seen the studies.

2. Commissioner White

Right-of-way setback: What is the minimum street/building setback from right-of-way in the new Land Development Code?. Planning Manager Schlesener said it can be as little as zero feet.

3. Commissioner Bailey:

Commissioner Bailey asked staff to look into the Uniform Building Code for the insulation energy rating and the difference between of R-21 and R-25 and advise the Commission if this is a change staff would recommend to the Conditions of Approval.

He also asked if there are other approaches that could be used to encourage the left turn out of the teller lanes?

He also would like to see the traffic counts for neighborhood streets, arterial streets and collectors with a chart of the traffic ranges and existing traffic counts as they apply to Beca, Kings and neighboring streets if available.

4. Commissioner Fleischbein:

Is the left-turn only lane only enforceable by public safety officials? Attorney Brewer responded and said he did not think this can be enforced from a private property onto a public street just because of a curb marking.

A short break was taken.

IV. PUBLIC HEARING: Heresco Chiropractic CDP02-00001, LDO-02-00003
Location: 408 NW 7th Assessor's Map: 11-5-35CA Tax Lot 3700.

The Chair welcomed citizens and reviewed the public hearing procedures as follows:

A. Order: The order of the proceedings will be as follows: (1) the staff overview; (2) the applicant's presentation; (3) the staff report; (4) public testimony; (5) rebuttal by the applicant, limited in scope to issues raised in opposition; (6) sur-rebuttal by opponents, limited in scope to issues raised on rebuttal; and, (7) questions of staff, deliberations and a final decision by the Planning Commission. Any person that is interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by an earlier speaker. It is sufficient to say you concur with an earlier speaker without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

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Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this

request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair pointed out the information and meeting critique sheets from the Committee for Citizens Involvement on the back table. There was no representative available at the meeting.

The Chair opened the public hearing.

B. Site visits, conflicts of interest or ex parte contacts

1. Site visits were made by all Commissioners present except Commissioners Bailey, Higgins and Hackett.

2. There were no conflicts of interest or ex parte contacts declared.

C. Jurisdictional Objections: None were received at this time.

D. Staff Overview:

Associate Planner Steve Lindsey described the request for approval of a Conditional Development to allow for a 499 square foot single story expansion to the existing 3,037 square foot medical building. In addition, approval to vary from Code standards by seeking reduced building setbacks along 7th Street and Harrison Boulevard, an increased lot coverage from 69% to 73%, and reduced on-site parking (a loss of one parking space).

Maps from the staff report of the property and surrounding site were displayed. The site is located at t 408 NW 7th Street, which is located on the northwest corner of 7th Street and Harrison Boulevard.

The District Designation is RS-9 (Medium Density Residential) and the Comprehensive Plan Map is Medium Density Residential. The site is surrounded by streets on two sides, an office building and single family homes.

E. Legal Declaration:

Attorney Brewer said the Commission will consider the applicable criteria as outlined in the staff report. Please direct testimony to the criteria in the staff report or other criteria that you feel is applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

F. Applicant's Presentation:

Chick Gerke, Corvallis architect, 321 NW 12th Street, represents the applicant. The applicant Dr. Frank Heresco, 4386 NW Honeysuckle is also here to answer questions. They stressed that the addition is for expansion of the office facilities and not the treatment rooms. There is no increase in the number of treatment staff.

Mr. Gerke said the staff report was complete and they have no problems with it or the Conditions of Approval. He said the addition is supported by Comprehensive Plan Policies 3.2.1, and 8.2.3 supporting existing business.

Mr. Gerke briefly explained the requirement for additional parking that would have been triggered by any building permit because the parking standards have changed.

Mr. Gerke said they did a parking utilization study of on-street parking on 7th Street and found the area on 7th Street was in use only 38% of the total time. He said the analysis determined there is adequate on-street parking available for use by both business people and neighbors. He said the Clinic also offers rebates to patients that do not use the Clinic's parking lot, so it can be reserved for patients that have physical problems and cannot walk very far.

G. Questions from the Commission:

Mr. Gerke reiterated that the parking study outcome was rather a surprise and said it was done while the university was in session in mid-winter. He also responded to a question about the public meeting held by the applicant in January 2002, with no participation, and said they mailed invitation to answer questions to about 350 households adjacent to their business.

Mr. Gerke also responded to the issue of the tree roots pushing up the private walkway and, said they had similar repairs done several years ago on the City sidewalk. He said the City fixed the problem and sent him the bill for the repairs.

H. Staff Report:

Planner Lindsey outlined pertinent information in the staff report and pointed out the land use and compatibility criteria that need to be addressed as part of the review.

1. Land use: The clinic was originally constructed in 1968 and zoned RS-5 which allowed the medical use outright. In 1980 the zone changed and the addition is permitted as a Conditional Use and zoned RS-9.

2. Compatibility: The new parking requirement is for two additional spaces and the variance is for the one handicapped space. The site design will not create conflicts with adjacent uses. The variances for a setback and a variance regarding lot coverage are included as part of the Lot Development Option request that is being requested as part of this application.

3. Traffic: The proposed addition does not alter access and circulation patterns. Further, it is not anticipated to result in negative parking impacts on the surrounding neighborhood.

Staff finds that, as conditioned, the proposed development will be consistent with the above land use, compatibility and public facilities criteria.

Lot Development Option:

The proposal does not comply with district standards with respect to building setbacks, percent of hard surface on the site, and numbers of parking spaces. Based on information in the staff report, the proposal is found to be consistent with the review criteria in Section 2.12.30.06 for Lot Development Option.

J. Public Testimony in favor of applicant:

There was no public testimony in favor of the applicant.

K. Testimony in opposition to applicant's request:

1. Melinda Martel, 427 NW 7th Street, and she did contact the office a week before the neighborhood meeting with questions about parking. She is opposed to the lack of on-street parking and parking generally. Ms. Martel said Policies 4.2.30 (d) and 11.4.2 do not support the parking criteria as well as Policy 11.4.3. She said the staff report stated that on street parking is not a problem, but she submitted a petition signed by area residents stating that 7th Street cannot support business parking and needs to provide for neighborhood parking needs. **(Attachment E)**

Most of the homes on the east side of 7th Street are over over 60 years old and these older homes do not have large driveways and double garages to accommodate overflow parking.

Ms. Martel responded to a question by Commissioner Bailey and said they are trying to manage the parking as best they can and share the existing space.

2. Joni Deraeve, 475 NW 7th Street, concurs with the above comments and said parking on the east side of 7th Street is rarely available because it is used by staff and patients of the clinic. She said it is also difficult for contractors and service trucks to find parking when needed.

3. Frank Crotti, 420 NW 6th Street, said he is the caretaker of several homes that are currently vacant, and this reduces the amount of parking normally needed. He said he feels the parking needs will increase when those homes are sold.

L. Neutral testimony: The Chair reminded people that speaking neutrally removed rebuttal rights. There was no neutral testimony.

M. Rebuttal by Applicant :

Chick Gerke said the on-street parking is public parking that is available and paid for by both neighbors and business people to use. It is not restricted for use by only the people that live in front of it or around it. While the Codes want to respect the livability of neighborhoods, commercial establishments next to the core of downtown are also entitled to use the space. He said based on the parking analysis they did, he does not feel there is a parking crisis in the area.

N. Questions from the Commission:

The applicant answered a question about the parking incentives given to visitors that do not park in the lot next to the building as this saves space for clients that have mobility problems and need the closer parking. He said they have staff that staggers on-street parking on adjacent streets to spread it out. Their hours are from 8:00 a.m. to 7:p.m. on weekdays. He reiterated that the expansion is for additional office space, and not treatment rooms.

O. Sur-rebuttal: There was no sur-rebuttal.

P. Close the public hearing:

Commissioner Bailey moved to close the public hearing. Commissioner Higgins seconded the motion and it passed unanimously

Q. Record held open/additional written comments from applicant

The applicant waived the seven days to submit additional written comments.

R. Discussion and Action by the Commission:

Commissioner Bailey asked about options for repairing the concrete buckling caused by tree roots. Planner Lindsey said the concrete area is a private walkway and not public maintenance and suggested that the work could be supervised by a certified arborist.

Engineer Turner explained special parking districts that are available for citizens to explore if they feel on-street parking needs to be managed. Public Works administers the parking districts.

Chair York asked if City staff did an analysis or tested the parking data submitted by the applicant, and Planner Lindsey said they did not.

Motion: Commissioner Buckman moved approval of the application as submitted with the Conditions of Approval. Commissioner Pond seconded the motion.

Amendment to the motion: Commissioner Buckman proposed an amendment to add language to Condition 5 as follows: *...Concurrent with development, these panels shall be modified or replaced under the direction of a certified arborist so that there is no trip hazard for pedestrians using this path.* Commissioner Pond seconded the motion that passed unanimously

Commissioner Bailey favors the application as amended and said he recognizes the neighbor's parking concerns as he also lives in the downtown area. He said, however, he does not feel the addition will increase the parking and feels Comprehensive Plan Policy 3.2.1 (b) and (e) supports the difference.

Commissioner Fleischbein agrees with Commissioner Bailey and feels the application is adding office space, but not treatment rooms, and therefore will not increase staff parking needs.

The question was called and the motion carried unanimously.

S. Appeal Period:

Chair York explained the 10-day appeal period to the City Council.

V. **NEW BUSINESS**

A. Initiate Land Development Code Text Amendment: Chapter 3.16 Central Business District

Planning Manager Schlesener said that it recently came to the City's attention that the Whiteside Theater site is a non-conforming use. This amendment would permit development of the building under the Code if it is modified. There were several options outlined in her memo to the Planning Commission.

Motion: Commissioner Bailey moved and Commissioner Buckman seconded a motion to recommend proceeding with Option 1 as recommended by staff.

Schlesener will do a staff evaluation and memo on the suggestion under "Visitor's Propositions" by Patricia Benner and present it to the Commission.

B. Committee for Citizens Involvement: Discussion of Unresolved Planning Issues

A memo from CCI was included as part of the packet with suggestions for meeting structure and public involvement. The CCI suggested the web site could include a place for citizens to submit suggestions for review. They also suggested a

meeting forum to invite interested parties from the Neighborhood Associations to submit ideas and suggestions to the Planning Commission.

Chair York asked if the Planning Commission will meet with the CCI and Planning Manager Schlesener said the upcoming review of the Land Development Code on the unresolved planning topics will provide an opportunity to address similar issues of concern that CCI members will be encouraged to attend.

Chair York asked about the viability of continuing the visitor's propositions section on the agenda. After some discussion, the Commission determined it was not in their best interest to continue this topic based on the ex parte contacts on future planning issues. Citizens are encouraged to contact Planning staff or CCI members to address issues of concern.

Attorney Brewer concurred and said this ex parte concern would apply not only to the current land use items, but any future issues that might come before the Commission.

C. Planning Division Manager's Report

Planning Division Manager Schlesener said the Natural Features inventories are getting under way with the consultants sending notices to property owners in portions of the Urban Growth Boundary to ask for access to their property.

The Land Development Code Updates, Phase II, is also getting under way, as noted above, and asked if the Planning Commission could meet on Tuesday evenings to discuss the topics. They concurred that staff should proceed with a schedule of meetings.

II. **Minutes:** (continued)

February 20, 2002: Last page, Request for Proposals (not bids). Commissioner Bailey moved approval of the minutes as corrected. Commissioner Buckman seconded the motion that carried unanimously with abstentions from Commissioners not present.

March 6, 2002: Page 5, "M", 2nd Paragraph. Add the word "be" to read . . . he would rather it not **be** replaced. Move Commissioner White to the "Commissioners Excused" section of attendance. Commissioner Osen moved approval of the minutes as corrected. Commissioner Fleischbein seconded the motion that carried unanimously with abstentions from Commissioners not present.

VII. **ADJOURNMENT:** The meeting was adjourned at 10:37 p.m.

Approved 4/17/02


DeAnne Eilers, Recording Secretary